REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1 – 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Kawai et al. (US 2004/0206164). The rejection is traversed for the following reasons.

To anticipate the claims presented in the present application, the Kawai publication must have a prior art date (the date when the publication is available as prior art) that predates the earliest priority date of the present application. As was discussed in the previous amendment, filed on May 7, 2009, the present application claims priority to PCT application No. PCT/JP04/09518 filed on June 29, 2004, U.S. Provisional Application No. 60/486,543 filed on July 11, 2003, and JP 2003-320107 filed on September 11, 2003. As will be shown below, the Kawai publication (1) does not have a prior art date that predates the priority dates of the present application, (2) is not available as a prior art reference, and (3) therefore does not anticipate the claims presented in the application.

Particularly, the Kawai publication has a publication date of October 21, 2004, and a PCT filing date of July 26, 2002. For the PCT filing date to serve as the priority date under 35 U.S.C. 102(e), the WIPO publication of the international application (PCT/JP02/07592) from which the Kawai publication claims priority must (1) be in English, and (2) designate the United States. If either of these

requirements is not met, then there is no priority date under 35 U.S.C. 102(e) and the publication is prior art as of its publication or grant date under 35 U.S.C. 102(a) or (b).

In this vein, the WIPO publication of the Kawai international application (PCT/JP02/07592) is in Japanese, not English. As such, the Kawai publication is not entitled to a prior art date under 35 U.S.C. 102(e). Rather, the prior art date of the Kawai publication is the publication date of October 21, 2004, which does not predate the priority dates of the present application. Accordingly, Kawai is not available as a prior art reference against the present application.

Thus, as the Kawai publication is not available as a prior art reference against the present application, the anticipation rejection of claims 1 – 13 lacks merit. Accordingly, withdrawal of the rejection is requested.

Moreover, in making the above rejection, it is believed that that the Examiner has failed to appreciate the features of the claimed method. In this regard, it is noted that the claimed method is directed to estimating joint moments of a two-legged walking mobile body with improved accuracy. In conventional methods, accumulated errors associated with an integral of detected values of a gyro sensor or an inertial acceleration during the motion of the mobile body inhibit the accuracy of a measurement of a tilt angle of the mobile body relative to the vertical or horizontal directions. Specification, page 5, lines 3 – 9. The improved accuracy of the claimed method is provided by reducing arithmetic processing related to tilt information relative to the gravity direction of the two-legged walking mobile body, e.g., tilt information derived from gyro sensors. Specification, page 5, lines 19 – 26.

To derive tilt information from gyro sensors, increased arithmetic processing

is required. In contrast, the method claimed herein estimates the joint moments using values of motion states of the rigid elements in the body coordinate system (or the rigid equivalent parts), thereby enabling a reduction in arithmetic processing using the tilt information of the mobile body. Specification, page 9, line 24 – page 10, line 4. With reference to the claims, the method defined therein is directed to grasping the motion states of the rigid elements and then estimating the joint moments.

With respect to the Kawai publication, it is noted that method relies on a chest gyro (14) and a waist gyro (19) for deriving tilt information (see Kawai Figs. 2 and 3). Kawai does not disclose a method of estimating the joint moments using values of motion states of the rigid elements in the body coordinate system (or the rigid equivalent parts). As such, the method disclosed in the Kawai publication is susceptible to the deterioration of accuracy associated with the use of such gyro sensors. Thus, even if the Kawai publication were available as a reference, the publication nevertheless fails to provide an anticipatory teaching of the claimed method.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SAT-16401.

Respectfully submitted,

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